

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PHOENIX CAPITAL INVESTMENTS LLC,

Plaintiff,

v.

ELLINGTON MANAGEMENT GROUP, L.L.C.,

Defendant.

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: **Electronically filed**
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: **Case No. 1:07-cv-6821 (VM)**
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NOTICE OF JOINT MOTION TO REMAND

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1447(c), upon this document and the accompanying Memorandum of Law in Support of Joint Motion to Remand, Defendant Ellington Management Group, L.L.C. and Plaintiff Phoenix Capital Investments LLC jointly and respectfully will move for an order remanding the above matter to the Supreme Court for the State of New York, County of New York. Defendant and Plaintiff jointly will move this Court before the Honorable Victor Marrero at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, at such time as the Court may direct, for an order granting the above-requested relief. A memorandum of law in support of this motion and a proposed order are attached.

Respectfully submitted on August 3, 2007,

ELLINGTON MANAGEMENT
GROUP, L.L.C.

By: 

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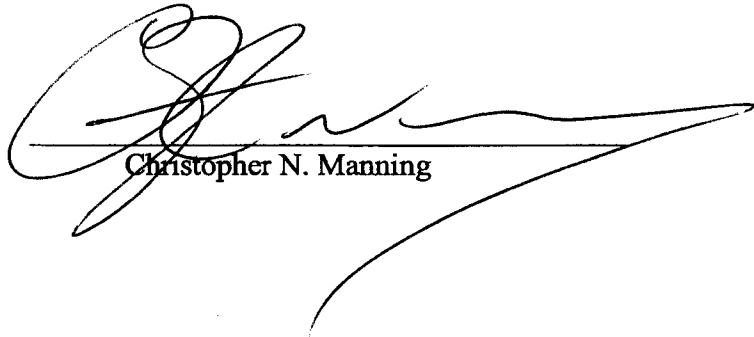
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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of August, 2007, I caused a true and correct copy of this JOINT CONSENT MOTION TO REMAND, MEMORANDUM OF LAW IN SUPPORT OF JOINT CONSENT MOTION TO REMAND, and PROPOSED ORDER to be filed and served electronically via the Court's ECF system, and served via first-class mail and electronic mail upon David B. Tulchin, Jason D. Padgett, and Angus W. Dwyer, Sullivan & Cromwell LLP, 125 Broad Street, New York, New York 10004.



Christopher N. Manning